

**TITLE 64
LEGISLATIVE RULES
DEPARTMENT OF HEALTH
SERIES 35
REGULATIONS FOR THE INSTILLATION OF MEDICATION IN THE
EYES OF THE NEW-BORN AND THE DISSEMINATION OF ADVICE AND
INFORMATION CONCERNING THE DANGERS OF INFLAMMATION OF THE
EYES OF THE NEWBORN**

§64-35-1. General.

1.1. Scope. -- These legislative rules establish general rules for the instillation of medication in the eyes of the newborn and the dissemination of advice and information necessary for the prompt and effective treatment of inflammation of the eyes of the newborn.

1.2. Authority. -- W. Va. Code §16-3-12

1.3. Filing Date. -- April 29, 1983

1.4. Effective Date. -- May 30, 1983

65-35-2. Application and enforcement.

2.1. Application. -- These legislative rules shall apply to any physician, surgeon, obstetrician, midwife, nurse, manager or person in charge of a maternity home or hospital or birthing center, parent, relative or person attending upon or assisting at the birth of an infant.

2.2. Enforcement - The enforcement of these legislative rules is vested with the director of health. The director shall report any and all violations of the public health laws or these rules and regulations that may come to his attention to the prosecuting attorney of the county wherein such violations may have occurred. The director shall assist the prosecuting attorney in any way possible in the prosecution of such violations.

§65-35-3. Appropriate medications for instillation in the eyes of the newborn - list established.

3.1. The director of the West Virginia department of health shall establish a list of appropriate medications for the prevention of inflammation of the eyes of the newborn. The list of the approved

medications shall be kept current and shall be distributed to appropriate health care facilities and individuals who attend upon or assist at the birth of an infant.

3.2. The director shall periodically publish and promulgate such further advice and information concerning the dangers of inflammation of the eyes of the newborn as is necessary for prompt and effective treatment. Such advice and information may include recommended treatments and particular effects and possible side effects of the approved medications.

3.3. The list of approved medications, together with recommended dosages and the particular effects and possible side effects of the approved medications shall be filed in the State Register. Furthermore, the list shall be reviewed annually to insure the currency of the approved medications. The director may add or remove any approved medications from the list by serving notice upon those health care facilities and those individuals who attend upon or assist at the birth of an infant. Such notice shall contain the reason or reasons for such addition or removal and shall become effective upon filing in the State Register.

3.4. The director shall furnish copies of sections seven - thirteen, article three, chapter sixteen of the West Virginia Code and a copy of these rules and regulations to all physicians and midwives who may be engaged in the practice of obstetrics or assisting at childbirth. Such distribution shall occur at least biennially. Amendments to the statutory or the regulatory documents shall be distributed, as necessary, to comply with the intent of these regulations. Copies of such statutes and regulations may be obtained at any time, upon request to the director.

§65-35-4. Proper records required cases

investigated annual report to the governor.

4.1. The director shall keep a proper record of any and all cases of inflammation of the eyes of the newborn of which reports are filed pursuant to law, or which may come to his attention in any way. The director shall report such cases to the governor in the director's annual report.

4.2. The director shall cause the county health officer or local health officer pursuant to the provisions of Section 1, Article 2, Chapter 16 or Section 1, Article 2(a), Chapter 16 of the West Virginia Code to investigate pursuant to law any and all reported cases of inflammation of the eyes of the newborn, and any other cases of newborn eye

inflammation that may come to his attention. The county health officer or local health officer shall report the results of such investigation(s) to the director as necessary in a format prescribed by the director.

§64-35-5. Severability.

If any provisions of these rules or the application thereof to any person or circumstance shall be held invalid, such invalidity thereof shall not affect the provisions or application of these rules which can be given effect without the invalid provisions or application, and to this end the provisions of these rules are declared to be severable.